

Notice of Allowability	Application No. 08/929,217	Applicant(s) Morrill, Jr.
	Examiner James Myhre	Group Art Unit 2767

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to amendment of June 11, 1999.

The allowed claim(s) is/are 1, 3, 4, 6, and 8-11.

The drawings filed on _____ are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 2.

including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

Interview Summary, PTO-413

Examiner's Amendment/Comment

Examiner's Comment Regarding Requirement for Deposit of Biological Material

Examiner's Statement of Reasons for Allowance

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DETAILED ACTION

Response to Amendment

1. The amendment filed on June 11, 1999 is sufficient to overcome the Kight (5,383,113) and Benton (4,341,951) references with the additional changes as shown in the Examiner's Amendment below.

Examiner's Amendment

2. The following examiner's amendment has been agreed upon during the telephonic interview of June 22, 1999 (paper number 5):

Claims 1, 6, and 9 have been amended as indicated below;

- a. In Claim 1, line 3, after the word "information," insert the following: "identifying the user by sending the user identification information on the subchannel of a cellular phone or other wireless communication device, ";
- b. In Claim 1, line 4, replace "a" with "the";
- c. In Claim 6, line 3, after the word "identity" insert the following: "by sending the user identification information on the subchannel of a cellular phone or other wireless communication device";
- d. In Claim 6, line 4, replace "a" with "the";

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e. In Claim 9, line 3, after the word "information," insert the following: "receiving at the site of a transaction user identification information on the subchannel of a cellular phone or other wireless telecommunication device,"

f. In Claim 9, lines 3 and 4, replace "a function code of a cellular phone or other wireless communication device" with "the user identification information".

Allowable Subject Matter

3. Claims 1, 3, 4, 6, and 8-11 are allowed.
4. The application having been allowed, formal drawings are required in response to this Office action.

Statement of Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

Prior art was found which disclosed remotely transferring funds between different accounts using personal computers and telephones. However, prior art could not be located which identified the user's account and completed the desired transaction based on the identification number of the cellular phone which is automatically transmitted to the service provider upon activation of the phone.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann, can be reached on (703) 308-7791. The fax phone number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or informal faxes for this Art Unit can be submitted to (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-3900.


JWM
June 23, 1999


ALLEN R. MACDONALD
SUPERVISORY PATENT EXAMINER

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Interview Summary	Application No. 08/929,217	Applicant(s) Morrill, Jr.
	Examiner James Myhre	Group Art Unit 2767

All participants (applicant, applicant's representative, PTO personnel):

(1) James Myhre

(3) _____

(2) Richard M. Beck

(4) _____

Date of Interview Jun 22, 1999

Type: Telephonic Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: Yes No. If yes, brief description:

Agreement was reached. was not reached.

Claim(s) discussed: 1, 6, and 9

Identification of prior art discussed:

N/A

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Examiner proposed to the Applicant's Representative several changes to the independent claims to better clarify how the invention identifies the user's account through the cellular phone identification number which is automatically transmitted every time the phone is activated, thus precluding the need for the user to enter account identification information, only a PIN number when required. Applicant's Representative contacted the Applicant and agreement was reached on the wording for an Examiner's Amendment to Claims 1, 6, and 9 clarifying this feature.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

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Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

James W. Myhre